

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0431

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JERRY PAUL GONZALES

Defendant and Appellant.

FILED

APR 02 2010


Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME AND
AFFIDAVIT IN SUPPORT**

The Appellee, State of Montana, respectfully requests an extension of time until May 12, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 2nd day of April, 2010.

STEVE BULLOCK
Montana Attorney General
P.O. Box 201401
215 North Sanders
Helena, MT 59620-1401

By: 
MICHEAL S. WELLENSTEIN
Assistant Attorney General

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Micheal S. Wellenstein, being first duly sworn upon my oath, depose and state as follows:

1. I am an Assistant Attorney General for the State of Montana and have been assigned to prepare the State's response brief in the above-entitled matter.

2. The Appellee's brief was originally due on March 10, 2010. This Court has previously granted the Appellee one thirty-day extension of time to file its brief. The Appellee's brief is presently due on April 9, 2010.

3. Due to my past and present workload, I cannot meet the present deadline for filing the Appellee's brief. My workload is as follows:

(a) State v. Houghton, Mont. Sup. Ct. No. DA 09-0402, State's brief filed on March 18, 2010;

(b) Cockrell v. State, Mont. Sup. Ct. No. DA 09-0651, State's brief filed on March 31, 2010; and

(c) State v. Lewis, Mont. Sup. Ct. No. DA 09-0253, State's brief due on April 29, 2010.

4. I will work diligently in an effort to complete this matter in the time requested.

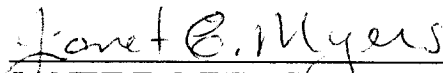
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5. Opposing counsel has been contacted concerning this motion, and does not object.



MICHEAL S. WELLENSTEIN

SUBSCRIBED AND SWORN to before me this 2nd day of April, 2010.



JANET E. MYERS
Notary Public for the State of Montana
Residing at Helena, Montana
My commission expires September 12, 2012

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time to be mailed to:

Ms. Penelope S. Strong
Attorney at Law
2517 Montana Avenue
Billings, MT 59101

Mr. Scott Twito
Deputy Yellowstone County Attorney
P.O. Box 35025
Billings, MT 59107-5025

DATED: April 2, 2010 